

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR MEYERS,

Plaintiff,

v.

Case No. 10-11419

CITY OF WARREN OFFICER NEIDERMEIER,
CITY OF WARREN OFFICER KULHANEK,
CITY OF WARREN OFFICER GILCHRIST and
CITY OF WARREN POLICE COMMISSIONER,

HON. AVERN COHN

Defendants.

ORDER DENYING PLAINTIFF'S OBJECTIONS (Doc. 102)

I.

This is a civil rights case under 42 U.S.C. § 1983. Plaintiff is proceeding pro se. Plaintiff's claims arose out an incident with plaintiff and two Warren police officers which resulted in plaintiff being charged with possession of cocaine. The charges were later dismissed after a state court granted a motion to suppress the cocaine on the grounds that the stop was unlawful.

The matter was referred to a magistrate judge for all pretrial proceedings. Defendants filed a motion for summary judgment. (Doc. 55). The magistrate judge issued a report and recommendation (MJRR), recommending that the motion be granted. Neither party filed timely objections to the MJRR.¹ Accordingly, the Court

¹Plaintiff's objections were due by April 16, 2012. Plaintiff did not sign and date his objections until May 1, 2012, the day before the Court issued its order adopting the MJRR. However, given plaintiff's pro se status, plaintiff's objections will be considered on the merits.

adopted the MJRR, granted defendants' motion, and dismissed the case. (Doc. 100).

Now before the Court are plaintiff's objections to the MJRR (Doc. 102). For the reasons that follow, the objections are DENIED.

II.

Nothing in plaintiff's objections convinces the Court that its decision was in error. As explained in the MJRR, plaintiff's claims against Neidermeier, Gilchrist and the Warren Police Commissioner were dismissed because plaintiff failed to show they were personally involved in the incident. Regarding Kulhanek, the magistrate judge explained in detail that based on the record as it now stands, Kulhanek had a reasonable basis, under clearly established law, to conclude that he had probable cause to arrest plaintiff for possession of drugs. Accordingly, summary judgment was appropriate.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 7, 2012

I hereby certify that a copy of the foregoing document was mailed to Arthur Meyers, 182660, 7592 Toepfer, Warren, MI 48091 and the attorneys of record on this date, May 7, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160